

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: COMMUNITY ANTENNA TELEVISION (CATV) FRANCHISES
POLICY NO.: 700-28
EFFECTIVE DATE: April 6, 1972

BACKGROUND AND PURPOSE:

Beginning in 1963, the City commenced granting franchises for the operation of community television systems. At present there are eight franchises, placing all of the City of San Diego within the boundaries of at least one of the existing franchises. All of the existing franchise grantees have agreed to complete construction of their respective systems within five years. However, subdivision developers are desirous of eliminating rooftop antennas within their developments and of offering immediate CATV service to the homeowner. The City Council is in agreement with the aims of the developers in eliminating the aesthetic blight of rooftop antennas as well as providing CATV service to the resident as soon as possible.

POLICY:

In order to implement the Council's basic policy of providing the best possible CATV service as quickly as possible and recognizing the concern in controlling aesthetic blight, the following guidelines will be followed when considering franchise applications.

Application for additional nonexclusive franchises may be accepted from subdivision developers who desire to construct a CATV system if their applications show that:

1. The service area of the proposed system is of sufficient size to make it economically capable of providing full CATV services to the subscribers. These services shall include the distribution of off-the-air audio and visual signals, as well as the broad range of services CATV is capable of providing, including program origination; and
2. the applicant has shown that the existing franchise grantees in the proposed service area will not construct and operate CATV system in the proposed subdivision within the time frame proposed by the applicant; and
3. the applicant has formed a legal entity for this CATV operations, separate from his operations as a subdivision developer; and
4. the applicant has, as a CATV company, all of the qualifications, financial capability, CATV management and technical experience customarily required by the Council of all applicants for CATV franchises.

When the subdivision developer's application shows that the criteria described in paragraph (1) in not met, but shows that the criteria described in paragraphs (2), (3), and (4) are met, the Council may grant

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the applicant a license or permit to construct and operate a CATV system.

Any license or permit granted by the Council will:

5. Be of limited duration, i.e. five years; and
6. contain all of those terms and conditions customarily included in a franchise consistent with this policy; and
7. require the licensee or permittee to construct a CATV system technically compatible with the most recently built portions of the system of the existing franchise grantee, in order that the two systems may eventually be combined into a single system; and
8. require that the licensee or permittee, at the expiration of his license or permit, sell his CATV system to the existing grantee in the service area at such a price and under such terms and conditions as is just to both the buyer and the seller.

HISTORY:

Adopted by Resolution R-205303 04/06/1972